

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

David Leonard Mayes

Case No. 7:22-mj-1035-RJ

Defendant(s)

FILED

FEB 22 2022

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
DEP CLK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 18, 2022 in the county of Onslow in the
Eastern District of North Carolina, the defendant(s) violated:

Code Section


Offense Description

18 United States Code §2241(c)

Aggravated Sexual Abuse of a child in the Special Maritime and Territorial
Jurisdiction of the United States

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.
Complainant's signature

G. Joseph Maccini, Special Agent, NCIS

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).

Date: 19 Feb 22

Robert B. Jones
Judge's signatureby George Maccini
with permissionCity and state: Wilmington, North Carolina

Robert B. Jones, United States Magistrate Judge

Printed name and title

Affidavit in Support of Criminal Complaint and Arrest Warrant

I, George Joseph MACCINI, being duly sworn state:

1. I am a Special Agent with the United States Naval Criminal Investigative Service and have been so employed since July 2003. Your Affiant is currently assigned to the General Crimes Squad at Marine Corps Base Camp Lejeune, NC/Marine Corps Air Station New River, NC. Your Affiant has successfully completed the Federal Law Enforcement Training Center's Criminal Investigator's Training Program, as well as the Special Agent Basic Training Program. As part of my duties as an NCIS Agent, I investigate Federal crimes including crimes of violence (to include domestic violence), sexual assault, aggravated assaults, deaths, thefts, and any other crimes relating to the United States Department of the Navy. Your Affiant has also attended training courses focusing on Death Investigations, basic forensic techniques, and Sexual Assault Investigations. Prior to employment with NCIS, Your Affiant was a Special Agent with U.S. Department of Health and Human Services, Office of the Inspector General, Office of Investigations.

2. This affidavit is based upon information Your Affiant has gained from this ongoing criminal investigation, as well as other NCIS personnel, U.S. Marine Corps Criminal Investigation Division (USMC CID) Agents, and U.S. Marine Corps Military Police. Since this affidavit is being submitted for the limited purpose of securing a Criminal Complaint for a violation of Title 18 USC 2241(c), Your Affiant has not included each and every fact known. Your Affiant has set forth only the facts Your Affiant believes are necessary to establish probable cause in support of this Criminal Complaint.

3. This investigation was initiated on 18Feb22, after NCIS was notified of the alleged aggravated sexual abuse of a child, MB, a nine year old female, by David Leonard MAYES, a thirty seven year old male, which occurred on 18Feb22 at approximately 1800, at a residence on Chapman Drive, Heroes Manor, Marine Corps Base, Camp Lejeune, NC. This address is within the Special Maritime and Territorial Jurisdiction of the United States. USMC CID Agents advised a 911 call came in to the Marine Corps Base, Camp Lejeune Emergency Dispatch Center from MB's father, SB, who was in California at the time. SB advised he received a call from his wife, CB, who alleged MAYES sexually abused MB. USMC CID Agent and NCIS further advised during the crime scene examination, there was a one foot seven inch by eleven inch "wet spot" found on the bed MB was laying on; and there was an open container of Vaseline brand petroleum jelly on the nightstand next to the bed MB was laying on. An NCIS Special Agent interviewed CB further, and CB alleged she came home from the grocery store and walked into MB's bedroom. CB opened the door and observed MAYES, naked from the waist down, and his penis was erect, standing next to MB's bed. CB further advised MB was laying on her bed, and her clothing was pulled back and her diaper was off, leaving MB naked from at least the waist down. CB stated MAYES had his erect penis "right up against" MB's vagina. CB asked MAYES what he was doing, and MAYES did not say anything; and CB advised MAYES looked "stupid". CB further stated MB was not screaming when CB walked into the room. CB stated MB often screams when she is uncomfortable.

4. CB further advised when she came home from the grocery store, MB's bedroom door was shut, which CB stated was not normal, as MB would often scream if her bedroom door was shut. Further investigation revealed MB is Autistic, has Epilepsy, and has Cerebral Palsy. MAYES assisted CB with the caring for MB and CB's other two minor children. MAYES moved into the Chapman Drive residence with CB, to help take care of her three children, in March of 2021. MAYES is SB's brother, and MB's uncle.



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5. When Military Police responded to the scene, they contacted MAYES and had him sit down on the outside front porch area of the residence. While sitting in the porch area, MAYES made a statement to the Military Police Officer "what's a man supposed to do to get pussy". MAYES further made statements to the Military Police Officer about being told by CB that if "she can't have sex, then he is not allowed to either". He further made a statement to the Military Police Officer that "I can only go so long before I need to just do it". MAYES further made a statement to Military Police Officers when being transported to the NCIS Interview Room "he felt a little remorse for what happened, but not much". MAYES further told Military Police Officers "when his sister in law told him she was going to call police, he did not really care because he felt numb".

6. An NCIS Special Agent interviewed MAYES after MAYES was advised of his Miranda Rights. MAYES denied penetrating MB with his penis and denied digitally penetrating her. MAYES further denied that his pants were down and stated his penis was not exposed. MAYES advised he blames CB for the miscarriages of more than one of his children, and MAYES stated he wanted CB to feel the hurt he felt. MAYES admitted he found Vaseline in MB's bedroom, took MB's diaper off, put his finger in the Vaseline, and then he demonstrated what he did by swiping the air with his finger. When asked to further demonstrate on a doll what he did, MAYES then stroked the crotch area of the doll provided to him by NCIS during the interview.

7. Based on the facts and information presented above, Your Affiant believes there is probable cause to issue a Criminal Complaint in this matter. By this affidavit, I respectfully request the issuance of a Criminal Complaint.



G. Joseph Maccini
Special Agent
Naval Criminal Investigative Service
Camp Lejeune, North Carolina

On this day, SA Maccini appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this written affidavit.

Dated

19 Feb 22

Robert B. Jones by George P. Maccini
with permission

Robert B. Jones
United States Magistrate judge

